

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
EASTMAN CHEMICAL COMPANY,

Plaintiff,

-v.-

NESTLE WATERS MANAGEMENT &  
TECHNOLOGY,

Defendant.  
-----X

11 Civ. 2589 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Whereas this case has been reassigned to me for all purposes, it is hereby,

ORDERED that counsel review and comply with the Court's Individual Rules of Practice in Civil Cases ("Individual Rules") (available at the Court's website,

<http://nysd.uscourts.gov/judge/Failla>). All current deadlines and schedules remain in effect.

Unless notified otherwise by the Court, the parties should presume that any Scheduling Order or Case Management Plan remains in effect notwithstanding the case's transfer. Any request for an extension or adjournment shall be made by letter as provided in Individual Rule 1(E) and must be received at least 48 hours before the deadline or conference.

Counsel are further ordered to submit a joint letter to the Court no later than **July 12, 2013**. The parties should append the most recent complaint and the most recent scheduling order to the status letter. The letter and appended documents should be e-mailed to Chambers as a single .pdf attachment at [Failla\\_NYSDChambers@nysd.uscourts.gov](mailto:Failla_NYSDChambers@nysd.uscourts.gov) in accordance with the Court's Individual Rules. The status letter should not exceed five pages and should include the following:

1. A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case, whether by trial, settlement, or dispositive motion;
2. A brief statement by plaintiff as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue. Statements shall include citations to relevant statutes. In addition, in cases for which subject matter jurisdiction is founded on diversity of citizenship, the parties shall comply with Individual Rule 4(D);
3. A brief description of any (i) motions that have been made and decided; (ii) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion; (iii) pending motions; and (iv) other applications that are expected to be made at the status conference;
4. A brief description of any discovery that has already taken place, and any discovery that is likely to be admissible under the Federal Rules of Evidence and material to proof of claims and defenses raised in the pleadings. (This is narrower than the general scope of discovery stated in Fed. R. Civ. P. 26(b)(1).);
5. A computation of each category of damages claimed, *see* Fed. R. Civ. P. 26(a)(1)(A)(iii);
6. A statement of the procedural posture and upcoming deadlines;
7. A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and

8. Any other information that the parties believe may assist this Court in resolving the action.

Dated: June 26, 2013  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE